IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 905 OF 2003

IN

SUM. SUIT NO. 2226 OF 2003

M/s. P.G. Enterprises .. Plaintiff

vs.

M/s. Sunil Bihari Electricals

Pvt. Ltd., .. Defendants.

Mr. S.V. Rajeshwar i/by Leega Apex

for the plaintiffs.

Mr. Shailesh Shah i/by J.K. Rahel

for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 24th August, 2005.

P.C.

. The present suit is filed as a suit for acknowledgement of liability as reflected by minutes of meeting. The said minutes is supposed to have been signed by one B.J. Ansari on behalf of M/s. Sputnik Stampings. However, while acknowledging the liability of the so called debt of the defendant company which is M/s. Sputnik Stampings is also mentioned in the said minutes. It is the case of

the plaintiffs that the said Bihari J. Ansari has represented all the three firms though the signature of Bihari J. Ansari is only on behalf of Sputnik Stampings. The defendant is a private limited company and the defendant has filed an affidavit in reply to the summons for judgment denying that the said Bihari J. Ansari was a director or authorised signatory on behalf of the company. However, the plaintiffs drew my attention to para. 1 page 2 and para. 16 on page 8 where the name of Bihari J. Ansari in place of Behari P. Asrani is mentioned. However, he has pointed out that that is a typographical mistake and the fact that Behari P. Asrani is neither a chairman nor a direction nor an authorised person is mentioned in para. 12 and portion of para. 16 of the said affidavit. In my opinion, in the aforesaid circumstances, it cannot be said that there is an acknowledgement of liability by the company and, therefore, triable issues arise. Unconditional leave to defend.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.